

Article - Environment

[\[Previous\]](#)[\[Next\]](#)

§6–905.3.

(a) Except as provided in subsection (b) of this section, on or after October 1, 2018, a marketer may not knowingly sell or provide to a consumer individually or as a product component:

- (1) An electric switch containing mercury;
- (2) An electric relay containing mercury; or
- (3) A gas valve switch containing mercury.

(b) This section does not apply to an electric switch, an electric relay, or a gas valve switch that is sold or provided to replace a switch or relay that is a component of a larger product in use on or before October 1, 2018, if:

- (1) The larger product is used in manufacturing;
- (2) The larger product is used in a generating, transmission, or distributing facility for electric energy, gas, or water;
- (3) The switch or relay is integrated with, and not physically separate from, other components of the larger product;
- (4) The use of the switch or relay is required under federal law or regulation; or
- (5) The manufacturer of the larger product has not approved for use in the larger product a switch or relay that does not contain mercury.

(c) (1) A person that violates this section is liable for a civil penalty to be collected in a civil action in the circuit court for any county in the State not exceeding:

- (i) \$1,000 for a first offense;
- (ii) \$2,500 for a second offense; or
- (iii) \$5,000 for a third or subsequent offense.

(2) (i) In addition to any other remedies available at law or in equity, after an opportunity for a hearing, the Department may impose a fine for each violation of this section, not exceeding:

1. \$1,000 for a first offense;
2. \$2,500 for a second offense; or
3. \$5,000 for a third or subsequent offense.

(ii) The Department shall consider the following in assessing the fine in subparagraph (i) of this paragraph:

1. The willfulness of the violation;
2. The extent to which the violation was known, but uncorrected, by the violator;
3. The extent to which the violation resulted in actual harm to human health or the environment;
4. The nature and degree of injury to, or interference with, general welfare and health; and
5. The extent to which the current violation is part of a pattern of the same or a similar type of violation by the violator.

(3) Each day a violation continues is a separate offense under this section.

[\[Previous\]](#)[\[Next\]](#)